Public Prosecutor v Wan Norai bt Wan Ismail & Ors (Florena Francis Ubong & Ors, third parties)

HIGH COURT (KOTA KINABALU) — CRIMINAL TRIAL NO BKI-44–8/7 OF 2015
NURCHAYA ARSHAD J
19 APRIL 2017

Criminal Law — Money laundering — Forfeiture — Applicant applied for forfeiture of respondents' properties — Third parties filed claim for release of sum mentioned in gazette pursuant to s 61(4) of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 ('the Act') — Whether third parties had bona fide right on balance of probabilities — Whether seized properties should be released to third party or forfeited to government under s 56(2) of the Act — Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 ss 4, 56 & 61

The first respondent was the director of the fourth respondent, a company that had launched a bungalow development project in Kota Kinabalu ('the project'). The first and fourth respondents had collected deposit and cash money from the interested buyer to own the bungalow. Subsequently, several police reports were filed alleging that the deposit taking was conducted illegally. The customers and agents realised that there were no documents to show proof of the building of any bungalow as promised by the respondents. The first respondent was then investigated and charged under ss 416 and 420 of the Penal Code. Subsequently, the public prosecutor applied for an order of forfeiture subject to third party proceeding made under s 61 of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 ('the Act'). The court had allowed the applicant's application to cause a notice to third parties to be published in the *gazette* and the said notice was *gazetted* in the federal government *gazette* on 1 September 2016 ('the *gazette*'). The properties that were seized relating to the commission of an offence under s 4(1) of the Act amounted to RM751,403.73. The present case was a third party claim ('the application') for the release of the said sum as mentioned in the *gazette* pursuant to s 61(4) of the Act. The issues for court's determination were whether the third parties had bona fide right on the balance of probabilities; and whether the seized properties should be released to the third party or forfeited to the Government of Malaysia under s 56(2) of the Act.

Held, allowing the application:

(1) The victims had legitimate legal interest in the property as it involved their money. There was also no participation, collusion or involvement

by the third parties with respect to the offences under s 4(1) of the Act as they had n ever been charged or proved to participate in the fourth respondent's activities. The applicants had paid deposit pending proper agreement to be signed but there were 65 claimants who did the same and therefore showed that there would be hardly any needs for each claimant to do background search on the said project. This was a reasonable explanation and capable of being believed by any ordinary reasonable people. Further, the prosecution had never disputed the claimants' affidavits which stated that they had used their own money to pay the deposits and thereafter showed that there was no reasonable inference that any rights was transferred for the purpose of avoiding the eventual subsequent forfeiture of the said deposit. Lastly, all the claimants had made police report at the earliest time as possible to prevent the illegal use of the deposits. The claimants had established their case on the balance of probabilities based on the affidavit in support without any apparent rebuttal from the prosecution (see paras 10–15).

(2) The onus was on the claimants to show evidence that they had made payments as this was their applications. In the present case, not all the claimants were entitled to their claims as some of them failed to show that they had made payments to the agents or the fourth respondent (see para 17).

(3) All the seized properties should be released to the claimants who had successfully proved their claims. However, the amounts claimed by the third parties were more than the amounts seized. As such, the division of the third party claims were made equally based on the amounts seized and the amount claimed by each person (see para 18).

[Bahasa Malaysia summary

Responden pertama adalah pengarah responden keempat, syarikat yang telah melancarkan projek pembangunan banglo di Kota Kinabalu ('projek tersebut'). Responden pertama dan keempat telah mengutip deposit dan wang tunai daripada pembeli yang berminat untuk memiliki banglo tersebut. Kemudiannya, beberapa laporan polis difailkan dengan mendakwa bahawa deposit yang diambil adalah menyalahi undang-undang. Pelanggan-pelanggan dan ejen-ejen sedar bahawa tidak terdapat dokumen untuk menunjukkan bukti pembangunan apa-apa banglo seperti yang dijanjikan oleh responden-responden. Responden pertama kemudiannya disiasat dan dituduh di bawah ss 416 dan 420 Kanun Keseksaan. Kemudiannya, pihak pendakwaan memohon untuk perintah perampasan tertakluk kepada prosiding pihak ketiga yang dibuat di bawah s 61 Akta Pencegahan Pengubahan Wang Haram, Pencegahan Pembiayaan Keganasan dan Hasil daripada Aktiviti Haram 2001 ('Akta'). Mahkamah membenarkan permohonan pemohon untuk menyebabkan notis kepada pihak ketiga diterbitkan di dalam *warta* dan notis tersebut *diwartakan* di dalam *warta* kerajaan pusat pada 1 September 2016

('*warta* tersebut'). Hartanah yang dirampas adalah berkaitan kepada pelakuan kesalahan di bawah s 4(1) Akta berjumlah kepada RM751,403.73. Kes ini adalah tuntutan pihak ketiga ('permohonan') bagi pelepasan jumlah tersebut seperti yang disebut di dalam *warta* berikutan s 61(4) Akta. Isu-isu untuk penentuan mahkamah adalah sama ada pihak ketiga mempunyai hak bona fide atas imbangan kebarangkalian; dan sama ada hartanah yang dirampas patut dilepaskan kepada pihak ketiga atau diserahkan kepada kerajaan Malaysia di bawah s 56(2) Akta.

Diputuskan, membenarkan permohonan:

(1) Mangsa-mangsa mempunyai kepentingan undang-undang yang sah dalam hartanah tersebut memandangkan ia melibatkan wang mereka. Juga tidak terdapat penyertaan, pakatan sulit atau penglibatan oleh pihak ketiga berkenaan kesalahan-kesalahan di bawah s 4(1) Akta kerana mereka tidak pernah dituduh atau dibuktikan menyertai dalam aktiviti-aktiviti responden keempat. Pemohon-pemohon telah membayar deposit sementara menunggu perjanjian betul ditandatangani tetapi terdapat 65 penuntut yang membuatnya dan oleh itu menunjukkan bahawa setiap penuntut langsung tidak perlu membuat pencarian latar belakang ke atas projek tersebut. Ini adalah penjelasan yang munasabah dan boleh dipercayai oleh mana-mana orang biasa yang munasabah. Selanjutnya, pihak pendakwaan tidak pernah mempertikaikan afidavit-afidavit penuntut-penuntut yang menyatakan bahawa mereka telah menggunakan wang mereka sendiri untuk membayar deposit-deposit dan kemudiannya menunjukkan bahawa tidak terdapat inferens yang munasabah bahawa apa-apa hak dipindahkan bagi tujuan mengelak perampasan kemudian akhirnya terhadap deposit tersebut. Akhir sekali, penuntut-penuntut telah membuat laporan polis seawal yang mungkin untuk menghalang penggunaan yang menyalahi undang-undang terhadap deposit tersebut. Penuntut-penuntut telah membuktikan kes mereka atas imbangan kebarangkalian berdasarkan ke atas afidavit sokongan tanpa apa-apa pematahan jelas daripada pihak pendakwaan (lihat perenggan 10–15).

(2) Beban adalah ke atas penuntut-penuntut untuk menunjukkan keterangan bahawa mereka telah membuat bayaran kerana ini adalah permohonan-permohonan mereka. Dalam kes ini, bukan kesemua penuntut-penuntut adalah berhak kepada tuntutan mereka kerana sebahagian mereka gagal untuk menunjukkan bahawa mereka telah membuat bayaran-bayaran kepada ejen-ejen atau responden keempat (lihat perenggan 17).

(3) Kesemua hartanah yang dirampas patut dilepaskan kepada penuntut-penuntut yang telah berjaya membuktikan tuntutan-tuntutan mereka. Walau bagaimanapun, jumlah yang dituntut oleh pihak ketiga

A adalah lebih daripada jumlah yang dirampas. Dengan itu, pembahagian tuntutan-tuntutan pihak ketiga dibuat secara adil berdasarkan jumlah yag dirampas dan jumlah yang dituntut oleh setiap orang (lihat perenggan 18).]

B **Notes**

For cases on forfeiture, see 4(2) *Mallal's Digest* (5th Ed, 2015) paras 1707–1708.

Cases referred to

C *Ng Hee Thoong & Anor v Public Bank Bhd* [1995] 1 MLJ 281; [1995] 1 CLJ 609, CA (refd)

Pendakwa Raya lwn Raja Noor Asma bt Raja Harun [2013] 9 MLJ 181; [2013] 5 CLJ 656, HC (refd)

D **Legislation referred to**

Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 ss 4(1), 56(2), 61, 61(4), 61(4)(a), (4)(b), (4)(c), (4)(d), (4)(e), Part IVA

E Penal Code ss 416, 420

Nur Ashikin (Deputy Public Prosecutor, Attorney General's Chambers) for the applicant.

Rakhbir Singh (Rakhbir Singh & Co) for the first and third respondents.

Adnan Hj Puteh (Adnan Puteh & Saleh) for the second respondent.

F *Hairul Vaiyron Othman (Hairul Vaiyron & Co); Peter Allion (Allion Kitingan & Partners) for the third parties.*

Nurchaya Arshad J:

G INTRODUCTION

[1] This is an appeal by the prosecution against the decision of the High Court in respect of a third party claim for the release of a sum of money from the property mentioned in the Federal Government *Gazette* PU(B) 389 dated
H the 1 September 2016 to the applicants pursuant to s 61(4) of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (Act 613).

BACKGROUND OF CASE

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[2] The first respondent was investigated and charged under both ss 416 and 420 of the Penal Code. The investigation that lead to the said criminal proceeding was initiated prior the police report lodged by one Asfazilah bt Hassnal followed by another 82 reports who were the agents and customers of

the first and second respondent. The first respondent was a Director to Tiang Seri Idaman Sdn Bhd, the fourth respondent, company that have launched a bungalow development project in Kota Kinabalu in 2014.

[3] The first respondent and the fourth respondent were allegedly been collecting deposit and cash money from the interested buyer to own the bungalow. The said project was also been advertised in local newspaper *Daily Express*. The 82 police reports were lodged alleging that the agents and/or buyer had failed to carry on the development project and the deposit taking was conducted illegally. The outcome of the investigation indicates that the first respondent should be charged under both sections in the said criminal proceeding.

[4] Deposit payments from the customers were made by cash or cheque under the third respondent's name. Cash received will be handed over to the first respondent, while cheques received were deposited to the Maybank saving account No 163082067560 belonged to the third respondent.

[5] Agents who joined the first respondent were promised a special gift in term of commission with ten percent. However agents need to pay RM10,000 as security payment which will be returned after 12 months from the date of appointment as agent. There are four types of bungalows project, Seri Mahligai, Seri Mahsuri, Seri Idaman dan Seri Permata. Agents who succeeded in selling ten bungalows from any type will be given a bungalow of Seri Permata for free. Those who succeeded in selling 30 bungalows from any type will be getting a BMW 3 series and those who sold 50 bungalows will be given a BMW 5 series. The condition for this project was that the customers must own a land or belonged to a family and pay 20% deposit from full price of bungalow. Balance should be paid in 20 years time. From 15 March 2014–14 April 2014, there were 75 registered customers with the fourth respondent through their agents and monetary sum involved RM1.6m either by cash, payment to fourth respondent office or cheques under third respondent's name.

[6] The customers and agents realised that there were no documents to show proof of the building of any bungalow as promised by the respondents. The public prosecutor then applied for an order of forfeiture subject to third party proceeding made under s 61 of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001. The court after considering all affidavits and submissions by both parties allowed applicant's application to cause a notice to third parties to be published in the *gazette*. The notice to third parties was *gazetted* in the federal government *gazette* on the first September 2016. The properties that were seized relating to the commission of an offence under s 4(1) of the Act amounts to *RM751,403.73.*

A [7] The properties seized are as follows:

(a) cash amounting to *RM12,792* and any accretion thereof in the saving account No 160148–988326 in the Maybank Islamic Bhd, Karamunsing branch, Sabah, belonged to the first respondent which was seized on 30 July 2014;

B

(b) cash amounting to *RM35,489.49* and any accretion thereof in the saving account No 7049853138 in the CIMB Bank Bhd, Mesra Mall branch, Kemasek, Terengganu, belonged to the first respondent which was seized on 30 July 2014;

C

(c) cash amounting to *RM1,917.73* and any accretion thereof in the current account No 8006978405 in the CIMB Bank Bhd, Api Api Centre branch, Sabah belonged to the first respondent which was seized on 30 July 2014;

D

(d) cash amounting to *RM89,311.62* and any accretion thereof in the saving account No 7004269026 in the CIMB Bank Bhd, Masjid India branch Kuala Lumpur, belonged to the second respondent which was seized on 30 July 2014;

E

(e) cash amounting to *RM31,392.82* and any accretion thereof in the saving account No 163082–067560 in the Malayan Banking Bhd, Paka branch, Terengganu, belonged to the third respondent which was seized on 30 July 2014;

F

(f) cash amounting to *RM26,000.07* and any accretion thereof in the current account No 560148–675747 in the Maybank Islamic Bhd, Karamunsing branch, Sabah, belonged to the first respondent which was seized on 30 July 2014;

G

(g) banker's cheque of the Public Bank, Jalan Raja Laut, Kuala Lumpur No 33–14070 dated 25 February 2015 amounting to *RM439,500* belonged to the third respondent which was seized on 5 May 2014;

(h) banker's cheque of the Public Bank, City Parade, Kota Kinabalu, Sabah No 33–10072 dated 15 August 2014 amounting to *RM15,000* belonged to the first and second respondent which was seized on 20 June 2014;

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(i) banker's cheque of the Public Bank, Kota Kinabalu Sabah No 33–10018 dated 15 August 2014 amounting to *RM15,000* belonged to the first and second respondent which was seized on 20 June 2014; and

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(j) banker's cheque of the Public Bank, Kota Kinabalu, Sabah No 26–10010 dated 22 January 2015 amounting to *RM85,000* belonged to the first and second respondent which was seized on 20 June 2014.

THE LAW

[8] Before the court can grant an order of forfeiture under s 56(2) of the Act, the court must hear third party application in respect of the money seized and ensure that the claimants are bona fide in their claims as required under s 61(4)(a)–(e) of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 where:

(1) the claimant has a legitimate legal interest in the property;

(2) no participation, collusion or involvement with respect to the offence under sub-s 4(1) or Part IVA, or a terrorism financing offence which is the object of the proceedings can be imputed to the claimant;

(3) the claimant lacked knowledge and was not intentionally ignorant of the illegal use of the property or if he had knowledge, did not freely consent to its illegal use;

(4) the claimant did not acquire any right in the property from a person proceeded against under circumstances that give rise to a reasonable inference that any right was transferred for the purpose of avoiding the eventual subsequent forfeiture of the property; and

(5) the claimant did all that could reasonably be expected to prevent the illegal use of the property.

ISSUES

Whether the third parties has a bonafide right on the balance of probabilities

[9] Subsection 61(4)(a)–(e) of the Act has to be fulfilled conjunctively meaning they have to fulfil all requirements under that subsection on the balance of probabilities (*Pendakwa Raya lwn Raja Noor Asma bt Raja Harun* [2013] 9 MLJ 181; [2013] 5 CLJ 656).

(1) The claimant has a legitimate legal interest in the property

[10] The applicants were victims of a scam housing project which were never materialised. All of them claimed to have made deposit payments to Tiang Seri Construction. These are shown in their affidavit in support of their application and were never challenged by the prosecution. The amount of victims involved in this case shows there were innocent investors who clearly have no idea that the said money which was transferred to Tiang Seri Construction to be diverted for illegal activities. The advertisement for such project had been advertised in *Daily Express* continuously for many days without any complaints by the public caused any reasonable public to fall for such lucrative housing project. The victims obviously have a legitimate legal interest in the property as it involves

A their money and on top of it, they were all scammed into a project that they did now know were never existed.

(2) No participation, collusion or involvement with respect to the offence under sub-s 4(1) or Part IVA, or a terrorism financing offence which is the
B object of the proceedings can be imputed to the claimant

[11] The first respondent, Wan Norai bt Wan Ismail has been arrested and charge in court thereafter have been found guilty. However, all the third party claimants have never been charge or proved to participate in Tiang Seri illegal
C activities. Therefore, I have no doubt that there was no participation, collusion or involvement with respect to the offences under sub-s 4(1) or Part IVA or a terrorism financing offences by the claimants.

(3) The claimant lacked knowledge and was not intentionally ignorant of the
D illegal use of the property or if he had knowledge, did not freely consent to its illegal use

[12] In this case, the applicants had paid deposit pending proper agreement to be signed by the respondents and Tiang Seri. However, let's not forget that
E there are 65 claimants who did the same and therefore show that there will be hardly any needs for each claimant to do a background search on the said project by Tiang Seri as they were convinced by the advertisement in the local newspaper which was published continuously without any complain. This is a reasonable explanation by the claimants and capable of being believed by any
F ordinary reasonable person.

(4) The claimant did not acquire any right in the property from a person proceeded against under circumstances that give rise to a reasonable inference that any right was transferred for the purpose of avoiding the eventual
G subsequent forfeiture of the property; and

[13] All the claimant have pleaded in their affidavits that they have used their own money to pay Tiang Seri the deposits and thereafter shows that there were no reasonable inference that any rights was transferred for the purpose of
H avoiding the eventual subsequent forfeiture of the said deposit. Furthermore, the prosecution have never disputed any of the documents exhibited by each one of the claimants in their affidavit nor never once contended that the said payments made by the claimants to Tiang Seri were false and/or non-existence.

I (5) The claimant did all that could reasonably be expected to prevent the illegal use of the property

[14] All the claimants have made a police report at the earliest time as possible to prevent the illegal use of the deposits paid to Tiang Seri.

[15] The burden of proof in this case is on the balance of probabilities which was already established based on the claimants affidavit in support without any apparent rebuttal from the prosecution.

[16] In *Ng Hee Thoong & Anor v Public Bank Bhd* [1995] 1 MLJ 281; [1995] 1 CLJ 609, it was held that:

> It is settled principle governing affidavit evidence that where one party makes a positive assertion upon a material issue, the failure of his opponent to contradict is usually treated as an admission by him of the fact so asserted.

[17] Even though they are victims and have legitimate interest, the claimants must show evidence that they have made payments ie, receipts. The onus is on the claimants as this is their applications. Unfortunately not all claimants are entitled to their claims as some of them failed to show that they have made payments to the agents/Tiang Seri Construction.

Whether the seized properties should be released to the third party or forfeited to the government of Malaysia under sub-s 56(2) of the Act

[18] All of the seized properties should be released to the claimants who had successfully proved their claims. However the amounts claimed by third parties are more than the amounts seized. For that reason, the division of third party claims are made equally based on the amounts seized and the amount claimed by each person.

[19] Division of third party claims are as follows:

PROPERTY SEIZED: RM 751,403.73

AMOUNTS CLAIMED BY THIRD PARTIES: RM1,242,000.

NAMES	AMOUNT CLAIMED	AMOUNTALLOWED BASED ON PERCENTAGE & REASONS (If any)
1. FLORENA FRANCIS UBONG KP:780512-12-5764	RM20,000	RM12,099.88
2. EDWARD SELVA RAJA KP:711013-12-5365	RM5,000	RM3,024.97
3. TAUFIK TUAH BIN AHMAD KP:701212-12-5967	RM20,000	RM12,099.88
4. LASIMIN @PIUS BIN KANDAUNG KP:760317-12-5613	RM20,000	RM12,099.88
5. IDDY BIN DUALIS KP:721206-12-5299	RM5,000	RM3,024.97
6. MAIDAH BINTI SENTUM @SINTOM KP:660904-12-5046	RM5,000	RM3,024.97
7. GEBRIEL BIN KARANG KP:831227-12-5041	RM20,000	RM12,099.88

8. ROGER @ROY VALENTINE AMANDUS KP:640228-12-5017	RM73,000	RM30,249.70 (On Evidence Only Rm50,000 Via Surat Akaun Penerimaan Bayaran Pendahuluan Banglo. There Is No Other Evidence To The Rm13,000 As Claimed
9. JOMIN BIN BAJI KP:580912-12-5409	RM20,000	RM12,099.88
10. JIDON @ADRIAN BIN JANAUAN KP:731104-12-5393	RM30,000	RM18,149.82
11. SOIMAH BINTI MAAP@MAAF KP:631026-12-5022	RM40,000	RM24,199.76
12. LADUA@STELLA BINTI BARUKANG KP:670925-12-5124	RM20,000	RM12,099.88
13. MOHD JAINI@KINIT BIN JAD KP:660309-12-5519	RM50,000	RM30,249.70
14. ISABELO GARCIA KP:570524-12-5387	RM30,000	RM18,149.82
15. FARIDAH BINTI ARIF KP:811007-12-5850	RM30,000	RM18,149.82
16. LIM KIAN SENG KP:620226-12-5111	RM60,000	RM36,299.64
17. KELINDOS @IVO JINTARA KP:680522-12-5057	RM40,000	RM24,199.76
18. RAMINAH BINTI GINSOS KP:640415-12-5944	RM20,000	RM12,099.88
19. ALBIRA BINTI SINTIAN KP:770506-12-5590	RM20,000	RM3,024.97 (On Evidence Only Rm5000 Via Surat Ak. Penerimaan Bayaran Pendahuluan Banglo. There Is No Other Evidence To The Rm15,000 As Claimed
20. HAROLD TANDUBA KP:741019-12-5451	RM20,000	RM12,099.88
21. ERIC MARCUS DOMPOK KP:700216-12-5273	RM10,000	RM6,049.94
22. LAURA YUBONG KP:640812-12-5198	RM10,000	RM6,049.94
23. MIHING BINTI SINGKUI KP:740527-12-5760	RM20,000	RM12,099.88
24. DUNI BIN RADIN KP:621013-12-5163	RM16,000	RM9,679.90
25. DEANA MOJIGOH KP:760419-12-5286	RM20,000	RM12,099.88
26. JEMSON@JAMES BIN SITAWIN KP:541012-12-5161	RM40,000	RM18,149.82
27. IBNIL BIN AB WAHID KP:710607-12-5413	RM30,000	RM18,149.82
28. MARY STEPHEN KP:750717-12-5736	RM24,000	RM14,519.86

29. SAIMIN BIN ANGGONG KP: RF140481	RM20,000	RM606.17 (On Evidence Only Rm1000 Via Surat Akaun Penerimaan Bayaran Pendahuluan Banglo. There Is No Other Evidence To The Rm19,000 As Claimed)
30. PETER JOHN STAUN KP:531204-12-5095	RM5,000	RM3,024.97
31. LAIMAH BINTI GANTOR KP:710117-12-5074	RM20,000	RM12,099.88
32. BARBARA BELINDA JAMES KP:850830-12-5402	RM40,000	RM24,199.76
33. MOHD NADZIR BIN MOHD DIN KP:740615-12-5429	RM20,000	RM12,099.88
34. MARIA MIKI KP:660915-12-5674	RM5,000	RM3,024.97
35. DAPHNE DOLORES GOH KP:760316-12-5400	RM40,000	RM6,049.94 (On Evidence Only Rm10,000 Via Surat Akaun Penerimaan Bayaran Pendahuluan Banglo. There Is No Other Evidence To The Rm30,000 As Claimed)
36. JAMAL BIN RADJAIL KP:830407-12-6039	RM20,000	RM12,099.88
37. MONICA BINTI MARIUS KP:640415-12-5936	RM5,000	RM3,024.97
38. RUSSILAH BINTI SAKIMIN KP:610310-12-5270	RM10,000	RM6.049.94
39. DIUS BIN KUBUD KP:651231-12-5011	RM20,000	RM12,099.88
40. MASNAH BINTI ABDUL RAZAK KP:671230-12-5050	RM7,000	RM4,234.96
41. KEMEIN BIN GONTOL KP:790302-12-5693	RM10,000	RM6,049.94
42. RASIDAH BINTI DULIM KP:700831-12-5574	RM5,000	RM3,024.97
43. MURNI SELIMEN KP:830122-12-5868	RM20,000	RM12,099.88
44. DAVID MOTULIS KP:730205-12-5697	RM20,000	RM12,099.88
45. RENOLD GIMIK KP:840712-12-5429	RM30,000	RM18,149.82
46. SELAMAH BINTI MASAR KP:770922-13-5894	RM5,000	RM3,024.97
47. SAIRIN BIN LUNGKIAT KP:610618-12-5445	RM20,000	RM12,099.88
48. LUCIA AMBROSE ALI KP:590220-12-5204	RM10,000	RM6,049.94
49. LIZADIANA BINTI MOHAMAD KP:831025-12-5422	RM40,000	RM24,199.76

50. LAJUNIP BIN JONOP@JOHNNY LAJU KP:620102-12-5187	RM5,000	RM3,024.97
51. CLISTA BINTI SINTIAN KP:650924-12-5300	RM30,000	Rm3,024.97 (On Evidence Only Rm5000 Via Surat Akaun Penerimaan Bayaran Pendahuluan Banglo. There Is No Other Evidence To The Rm25,000 As Claimed)
52. FISYRA SINTIAN KP:831103-12-5330	RM20,000	RM12,099.88
53. ELVENYRA SINTIAN KP:870503-49-5906	RM10,000	RM6,049.94
54. RUZIAH BINTI AHMAH KP:700318-12-5880	RM5,000	RM3,024.97
55. SUPIR BIN RASID KP:650327-12-5257	RM30,000	RM18,149.82
56. JURIAMAN BIN TIUR KP:G15837	RM20,000	RM12,099.88
57. MATHEW BIN DUSUN KP:640703-12-5623	RM10,000	RM6,049.94
58. MILIN LIAW@JUSTINA MILIN LIAW KP:651023-12-5244	RM10,000	Rm0 (No Evidence Of Receipts Of Payment)
59. HASIAH @HARNIANI BIGUL KP:820822-12-5042	RM20,000	RM12,099.88
60. ROSLINE BINTI CONOLIUS KP:830605-12-5758	RM5,000	RM3,024.97
61. ELIZABETH NG YIT CHING KP:800724-12-5788	RM15,000	RM2,419.98 (On Evidence Only Rm4000 Via Surat Maybank Receipt. There Is No Other Evidence To The Rm19,000 As Claimed)
62. ANIWATI @SITI ZULAIKHA KP:781116-12-5652	RM10,000	RM6,049.94
63. CHONG YEN MI KP:580925-12-5416	RM30,000	RM18,149.82
64. ISMAIL BIN MOJINTAN KOROH KP:540624-12-5045	RM30,000	RM18,149.82
65. HAZNAYARI @AZNAYATI BINTI M YASSIN KP:810509-12-5936	RM50,000	Rm27,224.73 (On Evidence Only Rm45000 Via Surat Akaun Penerimaan Bayaran Pendahuluan Banglo. Receipt Of Rm5,000 Is Not Readable Hence Cannot Be Verified As To The Content Of The Receipt)

[20] After analysing the evidence as a whole and having considered all the affidavits and submissions, I therefore allow this application. **A**

Application allowed.

Reported by Dzulqarnain Ab Fatar **B**

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